

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

07 FEB -8 AM 11:46

UNITED STATES OF AMERICA, et al., : CASE NO. C-1-02-107

Plaintiffs, : JUDGE S. ARTHUR SPIEGEL
MAGISTRATE HOGAN

-vs-

BOARD OF HAMILTON COUNTY : REQUEST FOR REVIEW
COMMISSIONERS, et al., :

Defendants.

I, Al Gammarino, request that the Court review my Water-in-Basement claim, pursuant to the Court's February 2, 2006, Order. Attached hereto is the information detailing the nature of my dispute.

Respectfully submitted,

Al Gammarino
Signature

Al Gammarino
Name (print)

February 8, 2007
Date

INFORMATION FOR REQUEST FOR REVIEWName: Al GammarinoAddress: 3700 E. Galbraith Road, Cincinnati, Ohio 45236Phone: (513) 791-2018

Nature of dispute and description of your disagreement (attach additional pages if necessary):

1. Complainant is or was the owner of 3291 Beekman Street, Cincinnati, OH.
2. On or about January 3, 2004, M.S.D. sewers backed up into Complainant's real property, causing sewage and water to enter through the floor drains.
3. Complainant's real property was damaged by the back up of the raw sewage and water, causing damages or devaluation to the real property.
4. M.S.D. was negligent and reckless in her failure to properly care and maintain her sewer lines, which caused damages to Complainant.

(continued on attached page)

Date of City's decision (please attach): July 1, 2005

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

Complainant, Al Gammarino, prays that this Court grant judgment against M.S.D. and/or the Board of County Commissioners in the sum of \$9,632.45, together, with pre judgment interest at the legal rate from January 4, 2004, until paid, plus post judgment interest and any or all other relief that the Court deems fair, just, of which Complainant is entitled.

Check one:

I would like to appear in person to explain my position to the Court.

I do not need to appear in person. I would like the Court to issue a decision based on its review of this form and the attached documents.

Signature: _____

Date: February 8, 2007

**** File this form and any relevant documents at the Clerk of Court's office in Room 103 of the Federal Courthouse, 100 E. 5th Street, Cincinnati, OH 45202; and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**

(continued from page line)

5. M.S.D. is responsible for Complaint's damages due to the fact that she controls the sewers. The Board of County Commissioners is responsible for the damages due to the fact that they own the sewers.
6. On or about January 12, 2004, M.S.D. accepted full responsibility and retained the services of Brock Restoration to clean the basement and removed the walk in cooler, attached hereto as Exhibit "A".
7. Pursuant to the "Water In Basement" decree, the Board of County Commissioners and/or M.S.D. is liable to Complainant or Complainant's real property for damages, cleanup services and reimbursement for property damages.
8. With credit to any payment made, M.S.D. and/or the Board of County Commissioners owe Complainant the sum of \$9,632.45 for damages. the City offered on July 1, 2005, the sum of \$2,213.00, attached hereto and marked as Exhibit "B". Demands upon the City for payment has proved to be fruitless.

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the foregoing was served upon
Terry Nestor, attorney for the City of Cincinnati, at 801 Plum Street,
Room 214, Cincinnati, Ohio 45202, by ordinary mail, on February 8th, 2007.



Al Gammarino